REMARKS/ARGUMENTS

1.) Allowable Subject Matter

The Examiner objected to claims 14, 15, 39 and 40 as being dependent upon a rejected base claim, but indicated those claims would be allowable if rewritten in independent form, including the limitations of their base claim and any intervening claims. The Applicants thank the Examiner for the indication of allowable subject matter. For the reasons that follow, however, the Applicants believe the independent claims are patentable over the art of record and, therefore, decline to so amend any of claims 14, 15, 39 and 40.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected claims 1-4, 6, 7, 9, 11, 27-29, 31, 32, 34 and 36 as being unpatentable over Moulsley, *et al.* (U.S. Patent Publication No. 2002/0028691) in view of Hwang, *et al.* (U.S. Patent Publication No. 2002/0060997); claims 5, 8, 10, 12, 13, 18, 30, 33, 35, 37 and 38 as being unpatentable over Moulsley in view of Hwang and "Admitted Prior Art;" claims 16 and 41 as being unpatentable over Moulsley in view of Hwang and Zeira, *et al.* (U.S. Patent Publication No. 2008/0267123); claims 17 and 42 as being unpatentable over Moulsley in view of Hwang and Vanttinen, *et al.* (U.S. Patent Publication No. 2002/0065086); claims 19 and 43 as being unpatentable over Moulsley in view of Hwang and Malladi, *et al.* (U.S. Patent No. 7,352,722); and claims 20 and 44 as being unpatentable over Moulsley in view of Hwang, Malladi and Love, *et al.* (U.S. Patent Publication No. 2004/0116143). The Applicants traverse the rejections.

Claim 1 recites:

> 1. A method in a communication system, comprising the steps of:
>
> sending at a first radio network entity a transmission power control signal to a mobile radio to control a power level at which the mobile radio transmits data units over the communications channel based on a target value;
>
> detecting at the first radio network entity one or more errors in one or more data units received from the mobile radio and requesting retransmission of one or more data units; and,

> providing information associated with the requested retransmission to a second radio network entity for generating a revised target value based on the received information in the second radio network entity. (emphasis added)

The Applicants' invention is directed to solving a problem relating to retransmission schemes. As noted in Paragraph [0009] of the application, in configurations in which ARQ-based error-correction schemes are provided in radio base stations (*i.e.*, a "first radio network entity"), erroneous data units are discarded. As noted in that same paragraph, "an outer power control loop in [a] radio network controller [*i.e.*, a "second radio network entity"] [does not] know about [such] erroneous . . . data units;" thus, an outer loop power controller located in a radio network controller (*i.e.*, a "second radio network entity"), rather than the radio base station (*i.e.*, a "first radio network entity"), can mistakenly assume that the radio communications channel is better than it really is, resulting in continued transmission errors, *etc.*. That is the situation according to the teachings of Mousley, wherein it is taught that "[t]he outer-loop power control . . . **operates within the base station**." (See Paragraph 0066; emphasis added) In contrast, the Applicants' invention is directed to systems in which the outer loop power control is performed in a second radio network entity (*e.g.*, a radio network controller); the "first radio network entity" in claim 1 corresponding to a radio base station. In such systems, to overcome the problem noted above, the Applicants' invention "[provides] information associated with . . . requested retransmission[s] [by the first radio network entity] to a second radio network entity for generating a revised [power level] target value." **As the Examiner acknowledges, Moulsley does not teach that functionality**.[1]

In order to overcome the acknowledged deficiency in the teachings of Moulsley, the Examiner looks to the teachings of Hwang, referring to Paragraphs 0080-0083 thereof. Specifically, the Examiner notes from Paragraphs 0082 and 0083 that:

[1] Although the Examiner acknowledges that Moulsley fails to teach "providing information associated with [a] requested retransmission . . . ," he nonetheless later asserts that Moulsley teaches "wherein the provided information includes . . . " in his stated bases for rejection of dependent claims 2, 3, 4, 28 and 29. The Applicants request that the Examiner reconsider the propriety of those rejections.

> Hwang teaches that "when [a] retransmission request occurs due to an error and arrives at the **transmitting** party, the **transmitting** party reduces the encoding rate . . . and increases the power offset . . . Moreover, when the retransmission is required, the target power value of the signal gradually increases during the time of retransmission, and the link control based on the outer loop power control is achieved as described above" (emphasis added)

The Examiner then asserts that "[s]ince the target power value of the signal gradually increases during the time of retransmission, and the link control based on the outer loop power control is achieved, **providing information associated with the requested retransmission to a second radio network entity is obvious in this case**." (emphasis added) The Examiner, however, provides no support for such conclusion. Paragraph 0082 only refers to a retransmission request which, as described above, is sent from a radio base station (*i.e.*, a "first radio network entity") to a mobile terminal. Paragraph 0083 describes the adjustment of a target power value. The Examiner has not pointed to any teaching in Hwang of "providing information associated with . . . requested retransmission[s] [by a first radio network entity] to a second radio network entity for generating a revised [power level] target value," as recited in claim 1. Therefore, Hwang does not overcome the deficiency in the teachings of Moulsley, and the combination of those teachings does not solve the problem addressed by Applicants' invention. Therefore, the Examiner has not established a *prima facie* case of obviousness for claim 1.

Whereas independent claim 27 recites limitations analogous to those of claim 1, it is also not obvious over Moulsley in view of Hwang. Furthermore, whereas claims 2-20 and 28-44 are dependent from claims 1 and 27, respectively, and include the limitations thereof, they are also not obvious in view of those references.

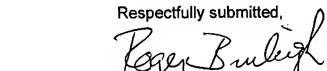
* * *

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-20 and 27-44.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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